

**Title 38: WATERS AND NAVIGATION**  
**Chapter 16-A: NONDEGRADABLE FOOD AND BEVERAGE**  
**CONTAINERS HEADING: PL 1987, c. 804 (new)**

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**Maine Revised Statutes**  
**Title 38: WATERS AND NAVIGATION**  
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**§1651. DEFINITIONS**

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings. [1987, c. 804, (NEW).]

**1. Consumer.** "Consumer" means an individual who purchases or accepts food or beverage for use or consumption.

[ 1987, c. 804, (NEW) .]

**2. Food service.** "Food service" means an individual, sole proprietorship, partnership, association, corporation or agency of the State or a political subdivision of the State that sells, offers to sell, engages in the sale of or engages in the provision of food or beverages to consumers.

[ 1987, c. 804, (NEW) .]

**3. Political subdivision.** "Political subdivision" has the meaning set forth in Title 14, section 8102, subsection 3.

[ 1987, c. 804, (NEW) .]

**4. State.** "State" has the meaning set forth in Title 14, section 8102, subsection 4.

[ 1987, c. 804, (NEW) .]

SECTION HISTORY

1987, c. 804, (NEW).

**§1652. STATE AND POLITICAL SUBDIVISION FACILITIES AND FUNCTIONS**

**1. Prohibition of polystyrene containers.** A food service providing or serving individual portions of food or a beverage at a facility or function of the State or of a political subdivision may not provide or serve those portions in or on containers that are composed in whole or in part of polystyrene foam plastic, unless the food service recycles the containers following use.

[ 1993, c. 323, §1 (AMD) .]

**1-A. Prohibition on plastic beverage stirrers.** A food service providing or serving a beverage at a facility or function of the State or of a political subdivision shall not provide beverage stirrers that are composed of plastic. For the purposes of this subsection, the term, "beverage stirrer," is a device which is designed solely for the purpose of mixing liquids intended for internal human consumption in single serving containers.

[ 1989, c. 38, §§1, 2 (NEW) .]

**2. Schools.** A school or school administrative district shall comply with the provisions of this section except that a food service providing such services to satellite facilities at the school or school administrative district serviced by central kitchen facilities not at the same location is exempt. A school or school administrative district may submit a request to the department for a 3-year waiver from the provisions of this section. The department may grant the requested waiver as long as:

A. The request includes an explanation of the district's financial hardship and a waste reduction plan. The plan must be designed to achieve the goal of using durable containers in place of disposable containers, unless it is shown that the use of durable containers is not feasible and alternative goals are proposed. The plan must include a proposed capital plan for the acquisition of necessary equipment; and [1997, c. 195, §1 (NEW).]

B. The school or school administrative district has held a public hearing on the proposal to use polystyrene containers and the waste reduction plan. [1997, c. 195, §1 (NEW).]

The department may renew the waiver for 2-year periods if it finds that the school or school administrative district has made reasonable progress toward implementing the waste reduction plan. The department, within available resources, may provide technical and financial assistance to schools and school administrative districts to assist them with meeting the goal of using durable containers.

[ 2011, c. 655, Pt. GG, §18 (AMD); 2011, c. 655, Pt. GG, §70 (AFF) .]

**3. Meals on wheels.** A food service funded in whole or in part, directly or indirectly, by the Department of Health and Human Services to provide meals at dispersed locations from central kitchen facilities is exempt.

[ 2011, c. 657, Pt. BB, §16 (AMD) .]

#### SECTION HISTORY

1987, c. 804, (NEW). 1989, c. 38, §§1,2 (AMD). 1989, c. 878, §B43 (AMD). 1993, c. 323, §1 (AMD). 1997, c. 195, §1 (AMD). 2011, c. 655, Pt. GG, §18 (AMD). 2011, c. 655, Pt. GG, §70 (AFF). 2011, c. 657, Pt. BB, §16 (AMD).

### §1653. PENALTY

A violation of this chapter is a civil violation for which a forfeiture of not more than \$100 may be adjudged. [1987, c. 804, (NEW).]

#### SECTION HISTORY

1987, c. 804, (NEW).

### §1654. EFFECTIVE DATE

This chapter is effective on January 1, 1990. [1987, c. 804, (NEW).]

#### SECTION HISTORY

1987, c. 804, (NEW).

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